



## **DIVISION OF PLANNING FREDERICK COUNTY, MARYLAND**

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*Winchester Hall 12 East Church Street Frederick, Maryland 21701 (301) 600-1138*

To: Board of County Commissioners

FROM: Eric Soter, Director, Division of Planning

DATE: December 17, 2009

RE: Village Center Zoning District Footprint Modification Text Amendment (ZT-09-08)

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### **ISSUE**

The zoning ordinance limits commercial buildings within the Village Center zoning district to no more than 5,000 square feet, except within growth area communities where the Planning Commission may grant an increase up to 8,000 square feet (1-19-7.500(C)(4)(d)). An increased footprint above 8,000 square feet may be appropriate on specific parcels within Village Center zoning based on review and approval by the Planning Commission.

### **BACKGROUND**

The zoning ordinance limits commercial buildings within the Village Center zoning district to no more than 5,000 square feet, except within growth area communities where the Planning Commission may grant an increase up to 8,000 square feet (1-19-7.500(C)(4)(d)). The footprint limitations were created to provide for a level of compatibility between existing development and new development within communities containing Village Center zoning.

However, it is recognized that within our growth area communities that contain Village Center zoning (Adamstown, Buckeystown, Jefferson, Libertytown, Point of Rocks, and Urbana) an increased footprint may be appropriate in specific situations. Particularly an increased footprint may be appropriate on a parcel at the fringe of the zoning district, or where existing surrounding development contains larger structures, increased setbacks, or other land use characteristics.

Growth area communities are non-municipal communities identified for the extension of public infrastructure such as water and sewer service. These communities are areas where it is expected that development density is concentrated for the purpose of maximizing the investment of public infrastructure.

During discussions on October 20, 2009 related to the Draft Comprehensive Plan this issue was presented to the BOCC, by Staff, due to concerns regarding development of parcels within the Village Center where it may be appropriate for the Planning Commission to consider a larger building footprint. It was also noted that a change in zoning from Village Center to General Commercial would similarly address this issue. However, the General Commercial zoning district contains very few design standards and would permit an increase in the intensity of permitted land uses.

Staff recommended the BOCC consider a text amendment to address this issue. The BOCC voted to initiate a text amendment to permit an increased footprint for Institutional uses within the Village Center zoning district where reviewed and approved by the Planning Commission.

The draft text amendment was reviewed by the BOCC at a November 12, 2009 worksession where they voted to move the text amendment forward through the public hearing process.

The proposed text would amend Section 1-19-7.500 Village Center Zoning District Overlay Standards to clarify that the footprint limitation applies to all 'non-residential' buildings rather than 'commercial' buildings, and permit the Planning Commission to increase the maximum footprint above 8,000 square feet for institutional uses located within growth area communities. In addition where the increase in footprint has been granted, the text amendment permits the Planning Commission to modify specific development characteristics to address negative impacts on surrounding properties.

Institutional uses as permitted within Section 1-19-5.310 Use Table for the Village Center zoning district are:

Child care center/nursery school	Civic community center
Civic service club	Comprehensive physical rehabilitation facility
Group home, small private	Group home, large
Hospital	Assisted living facility
Nursing home	Place of worship
Private school	Community fire and rescue service

Section 1-19-8.620.5 has been updated as part of this text amendment to provide for the Village Center zoning district Moderately Priced Dwelling Units lot area, width and yard measurements which at some point in the past were inadvertently removed from the zoning ordinance. The text within the MPDU table is reflective of the original text with no changes proposed as part of this text amendment process.

The proposed text has been attached as Exhibit 1-Village Center Zoning District Footprint Modification. Within Exhibit 1, new text is shown in **BOLD CAPS**, and text for removal is shown in ~~strikethrough~~.

The Planning Commission held a public hearing on December 16, 2009 and recommended approval of the proposed text amendment. Public comment received regarding the Planning Commission public hearing has been attached for your reference.

### **STAFF RECOMMENDATION**

Staff requests direction regarding the Village Center Zoning District Footprint Modification text amendment.

### **EXHIBITS**

Exhibit 1 – Village Center Zoning District Footprint Modification (ZT-09-08)  
Exhibit 2 – Public Comment